

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

AVRAHAM EISENBERG,

Defendant.

23-cr-10 (AS)

SCHEDULING ORDER

ARUN SUBRAMANIAN, United States District Judge:

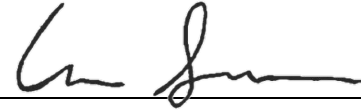
The Court has reviewed the parties' submissions on the pending motion to suppress evidence. Dkt. 27. Because Eisenberg's opening brief solely addresses the search and seizure as incident to arrest, but the Government in response principally justifies it as a border or inventory search, there is no response from the Government to Eisenberg's arguments on those issues (which are only in the reply). The Government further does not provide affidavits from the individuals who conducted the search and seizure of the evidence in question, leading to unresolved factual questions. For these reasons, the Court orders as follows:

1. No later than October 30, 2023, the Government shall file a letter, no longer than 5 single-spaced pages, responding to the arguments raised in Eisenberg's reply brief. The Government should also indicate whether it plans to use any of the evidence at issue on the motion in connection with the upcoming trial.

2. The parties shall appear November 2, 2023, at 2:00 PM, in Courtroom 15A of 500 Pearl Street, New York, NY 10007, for an evidentiary hearing on the motion to suppress.

SO ORDERED.

Dated: October 23, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge